THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16579 OF 2005

DATED: 29-07-2005

BETWEEN;

K.Prabukumari wife of Franklin

..PETITIONER

VS.

The Revenue Divisional Officer, Tenali and two others.

RESPONDENTS

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.16579 OF 2005

ORAL ORDER

Aggrieved by the order of the Revenue Divisional Officer, Tenali, Guntur District, dated 09-05-2005 in placing the petitioner under suspension, pending enquiry, the petitioner preferred an appeal to the Joint Collector, Guntur in Appeal Case No.33 of 2005-S7. The 2nd respondent-Joint Collector, Guntur by an order dated 11-07-2005 held thus:

" perused the connected records and grounds of the appeal petition, the request of the appellant for grant of stay against the suspension of authorization orders issued by the Revenue Divisional Officer, Tenali is hereby rejected, as the grounds are devoid of merits."

Thereafter the 1st respondent was directed to submit the connected records and the petitioner herein was directed to appear before 2nd respondent on 21-07-2004 in person or through Advocate for filing documentary evidence.

Clause 20 of A.P. State Public Distribution System Control Order,2001 relates to appeal and under sub-clause (1) of Clause 20 any person aggrieved by any order passed by the Appointing Authority under clause(5) may, within thirty days from the date of such order, appeal against such order if it is passed by the Revenue Divisional Officer to the Joint Collector of the District. In disposing of the appeal under Clause 20 the appellate authority is empowered, after giving opportunity to the applicant of making his representation, to pass such orders thereon as the authority may deem fit. Sub-Clause 2 of Clause (20) provides that pending disposal of the appeal, the appellate authority may direct that the order appealed against shall not take effect until the appeal is disposed off.

The power conferred, under the control Order, on the appellate authority, to grant stay of the order of the original authority, has to be exercised for just and valid reasons. While deciding the stay application, the appellate authority is required to consider the facts and circumstances of the case and give reasons in case the appellate authority is not inclined to stay the order of the original authority. The requirement of furnishing reasons, by a quasi-judicial authority, is well recognized in a catena of decisions as being an essential requirement, which would, among others, also enable this Court, in exercise of its power of judicial review, to examine the validity of such orders.

The impugned order dated 11-07-2005 is bald and is bereft of reasons. Except stating that the stay application is devoid of merit, no reasons are furnished by the 2nd respondent as to why the stay application filed by the petitioner should not be entertained. The impugned order dated 11-07-2005 is set aside. The 2nd respondent shall consider the stay application afresh and pass a reasoned order within two (2) weeks from the date of receipt of a copy of this Order.

The writ petition is accordingly disposed of. No order as to costs.

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RAMESH RANGANATHAN,J

29th JULY 2005

Note

Issue CC

In two days.

(B/O)

*TSNR